



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kashima et al

Serial No.: 09/870,009

Filed: 05/30/01

For: METHOD FOR IDENTIFYING THE SOURCE OF GENETIC
INFORMATION IN DNA

Docket No.: JP920000069US1

Group No.: 1646

Examiner: unassigned

Commissioner of Patent
and Trademarks
Washington, DC 20231

EXPRESS MAIL CERTIFICATE

Express Mail Label Number EV 001688158 us
Date of Deposit October 2, 2001

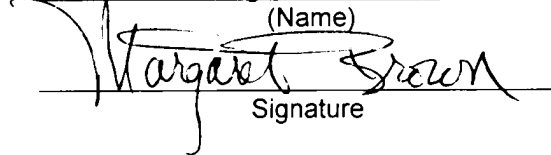
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Notice to Comply w/Requirements for Patent Applications Containing
Nucleotide Sequence and/or Amino Acid Sequence Disclosures
Response to Formalities Letter
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Signature

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Note: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail". Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

Docket No. JP920000069US1

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/870,009	05/30/2001	Hisashi Kashima	JP920000069US1

CONFIRMATION NO. 8419

IBM CORPORATION
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 218
YORKTOWN HEIGHTS, NY 10598



FORMALITIES LETTER



OC000000006378769

Date Mailed: 08/03/2001

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/870,009	05/30/2001	1646	1430	JP920000069US1	10	14	12

CONFIRMATION NO. 8419

FILING RECEIPT



OC000000006378768

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Date Mailed: 08/03/2001

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Applicant(s)

Hisashi Kashima, Residence Not Provided;
Harunobu Kudo, Yamato-shi, JAPAN;
Ryoh Sugihara, Yamato-shi, JAPAN;

Assignment For Published Patent Application

International Business Machines Corporation, Armonk, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2000-171030 06/07/2000

If Required, Foreign Filing License Granted 08/02/2001

Projected Publication Date: To Be Determined - pending completion of Sequence Disclosures

Non-Publication Request: No

Early Publication Request: No

Title

Method of identifying the source of genetic information in DNA

IBM
LAW DEPT.
2001-08-07 11:19

Preliminary Class
435

Data entry by : TAN, LEA-YUET

Team : OIPE

Date: 08/03/2001



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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

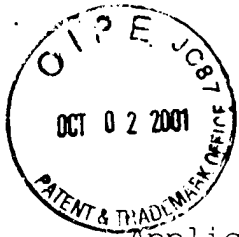
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kashima et al

Docket No:JP920000069US1

Serial No.: 09/870,009

Group Art Unit: 1646

Filed: 05/30/01

Examiner: unassigned

For: METHOD FOR IDENTIFYING THE SOURCE OF GENETIC
INFORMATION IN DNA

RESPONSE TO FORMALITIES LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is responsive to the notice expressed in the Formalities Letter (Confirmation No. 8419) dated August 3, 2001, a copy of which is enclosed herewith.

REMARKS

Applicant respectfully traverses the requirement set forth in the outstanding Formalities Letter (pursuant to 37 C.F.R. 1.821-1.825) for applicant to provide CRF and paper/CD copies of "the Sequence Listing" because such requirements do not apply to the subject application.

The basis for this traversal is that it appears that the subject invention has apparently been misconstrued as being directed at a specific new nucleotide or amino acid sequence, for which a "Sequence Listing" would have to be supplied under 37 C.F.R. 1.821 - 1.825.

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In particular, Applicant submits that the subject invention is not directed to a specific sequence and that therefore no submission of a specific "Sequence Listing" is required.

By contrast, as stated at page 1 of the specification, the subject invention relates to a method for embedding watermark information in DNA to identify the source of genetic information provided for the DNA. As disclosed in the specification (e.g. Page 18 and on) the watermark information may be a suitable nucleotide sequence that has a low probability of normally being found in the DNA.

Accordingly, applicant submits that the Formalities Letter is not applicable to the subject application and should therefore be withdrawn, and the same is respectfully solicited.

Authorization is hereby granted to deduct any applicable USPTO fees arising from this amendment from our deposit account 09-0468.

The Examiner is invited to telephone the undersigned attorney at the number appearing below to discuss any issue remaining unresolved to the Examiner's full satisfaction.

Respectfully submitted,

By: Lauren Bruzzone
Lauren Bruzzone
Registration No. 35,082

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